

Tony Evers
Governor



DIVISION OF PUBLIC HEALTH
SOUTHERN REGIONAL OFFICE
1 WEST WILSON STREET ROOM 250
MADISON WI 53703-3445

Karen E. Timberlake
Secretary

State of Wisconsin
Department of Health Services

Fax: 608-267-2832
TTY: 711 or 800-947-3529

February 10, 2021

[REDACTED]
[REDACTED]
[REDACTED]

Re: Warning Letter – [REDACTED]

Dear Mr. [REDACTED]

The Department of Health Services, EMS Section, is issuing you a warning letter for making a false statement on an application by failing to disclose an expunged criminal conviction on your application for an initial emergency medical responder (EMR) certificate.

Factual Basis for the Department Action

On January 16, 2018, you, [REDACTED] submitted an initial application for an EMR certificate. In this application, you indicated “yes” to the following statement:

Your application will not be processed if you do not provide the information requested. I understand that under Wis. Admin. Code § DHS 110.54 (1) a false statement on this application may be grounds for denial, suspension, revocation or other disciplinary action taken against my certificate or license to practice as determined by the Department of Health Services EMS Unit.

The initial application for an EMR certificate submitted on January 16, 2018, also included the question, “[h]ave you ever been convicted of, or pled guilty to, or pled no contest to, or received probation before a judgment of conviction for any crime other than a minor traffic violation where your record was expunged?” You answered “no” to that question. You did not indicate any criminal history anywhere else on the initial application for an initial EMR certificate. You received an EMR certificate from the Department on January 23, 2018.

On December 21, 2020, you submitted an application for a training center training permit for the emergency medical technician (EMT) level. This application included the question, “[h]ave you ever been convicted of, or pled guilty to, or pled no contest to, or received probation before a judgment of conviction for any crime other than a minor traffic violation where your record was expunged?” You answered “yes” to this question and indicated in the application that you had a conviction for disorderly conduct from December 10, 1995, expunged under Wis. Stat. § 973.015. You provided a letter from the clerk of courts office in Iowa County indicating that your conviction in case number [REDACTED] was expunged and all records have been destroyed.

Legal Authority for Department Action

Under Wis. Admin. Code § 110.55, the department may issue a warning letter to a licensee, permit holder, or certificate holder if the department finds that the person has committed a minor, first-time violation identified in this chapter or ch. 256, Stats., or a minor, first-time violation identified in s. DHS

110.54. The department shall retain a copy of the warning letter in the person's file and may consider it in determining what enforcement action is appropriate if the person commits subsequent violations. The department's issuance of a warning letter is a final decision of the department and is not subject to an administrative hearing.

Wis. Admin. Code § DHS 110.54 provides:

The department may take any enforcement action under ss. 110.55 to 110.58, which it determines is appropriate against a person subject to the requirements of this chapter and ss. 256.12 to 256.18, Stats., for any of the following reasons:

(2) The person made a false statement on an application for, or otherwise obtained a permit, certificate, or license through fraud or error.

Department Action

An EMS professional must comply with Wisconsin statutes, administrative rules, and standards of practice for operating as an EMS professional and for providing appropriate care to patients. In your application for an initial EMR certificate, you denied having any expunged criminal convictions despite being asked explicitly within the application if you had any expunged criminal convictions. You have subsequently provided documentation indicating that you had an expunged conviction that you should have disclosed on your initial application for EMR certification. Therefore, under Wis. Admin. Code § DHS 110.55, the department is issuing you a warning letter for your first-time violation of making a false statement on an application. This warning letter will be entered into your EMS account and may be used in consideration of future enforcement actions if subsequent violations occur. The issuance of a warning letter is the final determination of the Department of Health Services, EMS Section, and is not subject to an administrative hearing.

If you need additional assistance, please contact the EMS Section by phone at 608-266-1568 or via email at dhsemssmail@dhs.wisconsin.gov.

Sincerely,



Jeff Phillips
Director
Office of Preparedness and Emergency Health Care
Wisconsin Department of Health Services